

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---------------------------|---|-------------------------|
| _____ |) | |
| UNITED STATES OF AMERICA, |) | |
| Petitioner, |) | |
| |) | |
| v. |) | M.B.D. No. 05-10252-RBC |
| |) | |
| BORIS J. ZARTHAR, |) | |
| Respondent. |) | |
| _____ |) | |

**MOTION TO WITHDRAW PETITION
TO ENFORCE INTERNAL REVENUE SERVICE SUMMONS**

The United States of America, on behalf of its agency, the Internal Revenue Service, and by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves this Court to withdraw its Petition to Enforce Internal Revenue Summons which was filed with this Court.

On September 27, 2005, this court entered an Order Enforcing Internal Revenue Service Summons for the respondent to appear before Revenue Officer Nasawania T. Ranatou on October 3, 2005.

On October 3, 2005, the respondent appeared before the Revenue Officer and in responding, exercised his rights under the Fifth Amendment of the U.S. Constitution.

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The petitioner now seeks to withdraw its petition because the respondent, Boris J. Zarthar, has complied in part with this court's Order of September 27, 2005, and the Internal Revenue Service does not wish to pursue this matter any further.

Respectfully submitted:

MICHAEL J. SULLIVAN,
United States Attorney

By: /s/Patricia M. Connolly
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Assistant U.S. Attorney
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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the parties of record a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Edward L. Hoban, Esq.
1581 Hight Street
P. O. Box 364
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/s/ Patricia M. Connolly
ASSISTANT UNITED STATES ATTORNEY

Dated: October 7, 2005